

## **Minutes of the Maine Real Estate Commission**

NOVEMBER 17, 2005

### **MEMBERS PRESENT**

Earl Black  
David Kitchen  
Susan Lewis Hodgkins  
Jeffrey Mitchell  
Winfred Stevens

### **STAFF PRESENT**

Carol Leighton, Director  
Karen Bivins, Deputy Director  
Judy Brown, Examiner  
Marilyn Lugner, Education Coordinator  
Robert Perkins, Assistant Attorney General  
Amy Mills, Assistant Attorney General  
Susan Greenlaw, Secretary

### **MEMBERS ABSENT**

Sharon Millett

**Location:** Central Conference Room

**Start:** 9:00 a.m.

**Adjourn:** 4:35 p.m.

### **Agenda Modifications**

A motion was made by Jeffrey Mitchell and seconded by Earl Black to add the following to the agenda. Unanimous.

- I. Proposed Consent Agreements
  - A. #2005-REC-2007
  - B. #2005-REC-2014
- II. Proposed Dismissals
  - A. #2005-REC-128
  - B. #2005-REC-136
  - C. #2005-REC-149
- III. Commission Decisions and Orders
  - A. Richard L. Boire v. Director
  - B. Director v. Laurence A. Kelly
- IV. "Role of the Designated Broker" Syllabus

### **Proposed Consent Agreements**

A motion was made by Jeffrey Mitchell and seconded by Earl Black to approve the Proposed Consent Agreement in case number 2005-REC-2007. Unanimous.

A motion was made by Earl Black and seconded by Jeffrey Mitchell to reject the Proposed Consent Agreement in case number 2005-REC-2014. Black, Kitchen, and Stevens voted in the affirmative; Hodgkins and Mitchell opposed. Motion carried. A motion was made by Earl Black and seconded by David Kitchen to recommend a fine of no less than \$1000. Black, Kitchen, and Stevens voted in the affirmative; Hodgkins and Mitchell opposed. Motion carried.

### **Proposed Dismissals**

A motion was made by Earl Black and seconded by Jeffrey Mitchell to approve the Proposed Dismissals in case numbers 2005-REC-128, 2005-REC-136, and 2005-REC-149. Unanimous.

### **Commission Decisions and Orders**

A motion was made by Earl Black and seconded by Jeffrey Mitchell to approve the Decision and Order in the matter of Richard L. Boire v. Director. Unanimous.

A motion was made by Earl Black and seconded by Jeffrey Mitchell to approve the Decision and Order in the matter of Director v. Laurence A. Kelly. Unanimous.

### **Closing Statements & Public Deliberations – Director v. John Morrison**

A hearing was held on October 20. Closing statements were submitted in writing. The Vice-Chair opened the public deliberations. Assistant Attorney General Amy Mills advised the Commission. A motion was made by Earl Black and seconded by Jeffrey Mitchell to deny Morrison's motion to dismiss. Unanimous. A motion was made by David Kitchen and seconded by Susan Lewis Hodgkins to find Morrison in violation of 32 M.R.S.A. §13067(1)(A). Unanimous. A motion was made by David Kitchen and seconded by Earl Black to order the immediate revocation of Morrison's license. Unanimous.

### **Commission Hearings**

The Vice-Chair opened the hearing in the matter of Director v. Peter J. Perry. Jeffrey Mitchell recused and left the room. The Director was present and represented by Assistant Attorney General Robert Perkins. Perry was present and not represented by an attorney. Public deliberations were conducted at the close of the hearing. A motion was made by Earl Black and seconded by Susan Lewis Hodgkins to find Perry in violation of 32 M.R.S.A. §§13067(1)(F) and 13197(1). Unanimous. A motion was made by Earl Black to order Perry to pay a fine in the amount of \$600 within 30 days; motion failed for lack of a second. A motion was made by David Kitchen and seconded by Susan Lewis Hodgkins to order Perry to pay a fine in the amount of \$300 within 30 days. Black, Hodgkins, Kitchen, and Stevens voted in the affirmative; none opposed. Motion carried.

The Vice-Chair opened the hearing in the matter of Director v. Jeffrey C. Irving. The Director was present and represented by Assistant Attorney General Robert Perkins. Irving was not present and not represented by an attorney. Public deliberations were conducted at the close of the hearing. A motion was made by David Kitchen and seconded by Jeffrey Mitchell to find Irving in violation of 32 M.R.S.A. §13067(1)(M). Unanimous. A motion was made by David Kitchen and seconded by Jeffrey Mitchell to order the immediate revocation of Irving's license. Unanimous.

The Vice-Chair opened the hearing in the matter of Director v. Joseph E. Moore. The Director was present and represented by Assistant Attorney General Robert Perkins. Moore was not present and not represented by an attorney. Public deliberations were conducted at the close of the hearing. A motion was made by Earl Black and seconded by David Kitchen to find Moore in violation of 32 M.R.S.A. §§13067(1)(F) and 13191(1). Unanimous. A motion was made by David Kitchen and seconded by Earl Black to order the immediate revocation of Moore's license. Black, Hodgkins, Kitchen, and Stevens voted in the affirmative; Mitchell opposed. Motion carried.

The Vice-Chair opened the hearing in the matter of Director v. Peter P. Pushor. The Director was present and represented by Assistant Attorney General Robert Perkins. Pushor was not present and not represented by an attorney. Public deliberations were conducted at the close of the hearing. A motion was made by Jeffrey Mitchell and seconded by David Kitchen to find Pushor in violation of 32 M.R.S.A. §§13067(1)(F) and 13191(1). Unanimous. A motion was made by David Kitchen and seconded by Jeffrey Mitchell to order Pushor to pay a fine in the amount of \$300 within 30 days. Unanimous.

The Vice-Chair opened the hearing in the matter of Director v. Will R. Teel. The Director was present and represented by Assistant Attorney General Robert Perkins. Teel was not present and not represented by an attorney. Public deliberations were conducted at the close of the hearing. A motion was made by Earl Black and seconded by Susan Lewis Hodgkins to find Teel in violation of 32 M.R.S.A. §§13067(1)(F) and 13191(1). Unanimous. A motion was made by Earl Black and seconded by Susan Lewis Hodgkins to order the immediate revocation of Teel's license. Black, Hodgkins, and Stevens voted in the affirmative; Kitchen and Mitchell opposed. Motion carried.

### **Pre-License Course Review Committee Recommendations**

Charles "Kim" Coit presented the Committee's recommendations regarding the following course outlines:

- Introduction to Real Estate (Sales Agent) Course
- Associate Broker Course ("Issues in Maine Real Estate Brokerage")

The recommendations will be discussed further at the December 15 meeting.

### **"Role of the Designated Broker" Syllabus**

Tabled for discussion at the December 15 meeting.

**DRAFT – Proposed Rule Changes – Chapters 320, 330, 360, 370 & 390**

The Commission discussed the fourth drafts of Chapters 320 and 330 as well as drafts of Chapters 360 and 390. New drafts will be prepared for the December 15 meeting.

**Correspondence**

James Hansen, President Signet Educational Systems: Members reviewed a letter from Mr. Hansen regarding issues surrounding his requests for continuing education approval. Following discussion it was decided that no formal action is required at this time and Mr. Hansen will be notified that he may attend a meeting to further discuss the matter with the Commission.

**Director's Report**

ARELLO Annual Conference Report: Carol Leighton reported on her attendance at the conference held September 28 to October 1, 2005. A written report was also provided to the Commission.

**Next Meeting Scheduled for December 15, 2005**

The meeting was adjourned at 4:35 p.m.

This report respectfully submitted,

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Winfred Stevens  
Vice-Chairperson

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Carol J. Leighton  
Director